

1 ERSKINE & TULLEY
A PROFESSIONAL CORPORATION
2 MICHAEL J. CARROLL (St. Bar #50246)
220 Montgomery Street, Suite 303
3 San Francisco, CA 94104
Telephone: (415) 392-5431

4 Attorneys for Plaintiffs
5
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10
11

12 BOARD OF TRUSTEES OF THE SHEET METAL)	NO. C 07 3204 PJH (MEJ)
13 WORKERS, et al)	
14)	DECLARATION OF ATTORNEY
14 Plaintiff,)	MICHAEL J. CARROLL IN
15 vs.)	SUPPORT OF PLAINTIFF'S
15)	EX PARTE APPLICATION FOR
16 MTB, INC., etc.)	CONTINUANCE ON HEARING
16)	OF MOTION FOR DEFAULT
17)	JUDGMENT
17 Defendant.)	
18)	

19 I, MICHAEL J. CARROLL, certify:

20 1. I am an attorney with the law firm of Erskine & Tulley,
21 A Professional Corporation, attorneys for plaintiffs, BOARD OF
22 TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF NORTHERN
23 CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN CALIFORNIA,
24 SHEET MEAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS PLAN; ANTHONY
25 ASHER, TRUSTEE, in this action. I am duly admitted to practice law
26 in the United States District Court, Northern District of California.
27 If called as a witness, I could and would competently testify as
28 follows:

2. On February 1, 2008 the Court filed a Notice of Reference for the Plaintiffs Motion for Default Judgment, Document #21. Setting a hearing date for March 20, 2008 on the motion.

3. I will be out the country from March 13, 2008 to March 17, 2008.

4. It is requested that the Court continue the date to March 20, 2008.

5. Good cause exists to grant plaintiff's request for a continuance of the Hearing for Motion for Default Judgment currently set for March 13, 2008 to March 20, 2008 because of the impossibility of plaintiffs' attorney to appear and to avoid any unnecessary burden to the Court. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on February 6, 2008 at San Francisco, California.

/s/ Michael J. Carroll
Michael J. Carroll

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On February 6, 2008 I served the within DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR CONTINUANCE ON HEARING OF MOTION FOR DEFAULT JUDGMENT on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

MTB Inc.
Attn: Gabriela Keane
620 Petaluma Blvd. N., Suite C-2
Petaluma, CA 94952

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 2008 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman